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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,607	02/06/2002	James Edward Dickens	60027.0089US01	6818
39262	7590	04/26/2005	EXAMINER	
BELLSOUTH CORPORATION			BUI, BING Q	
P.O. BOX 2903			ART UNIT	
MINNEAPOLIS, MN 55402-0903			PAPER NUMBER	

2642

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/068,607	<b>Applicant(s)</b> DICKENS, JAMES EDWARD	
	<b>Examiner</b> Bing Q Bui	<b>Art Unit</b> 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 1-28 are pending in the application for examination, wherein claims 1, 15, 22 and 26 being independent.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9, 11-14 and 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Flood (US Pat No. 5,864,613).

Regarding claim 1, referring to Figs 1-2 and 5A-5C, Flood teaches a device (e.g., switch 104) for controlling telephone usage, comprising:

a switch (e.g. switch fabric 112) coupled between a telephone line and a telephone (e.g. telephone 102) wherein the switch completes a circuit between the telephone line and the telephone to allow a phone call to proceed when in a first position (e.g. allowable communication time duration starting point) and obstructs a circuit between the telephone line and telephone to prevent a phone call from proceeding when in a second position (e.g. allowable communication time duration expired) (see Figs 1 and 5A-5C and col. 8, Ins 24-49);

a reference clock (see Figs 1 and 5A-5C and col. 8, Ins 24-49); and

a processor (e.g. intelligent switch 10) operatively coupled to the reference clock and the switch, the processor being configured to control the position of the switch based on a comparison of a time reference to a time from the reference clock (see Figs 1 and 5A-5C and col. 8, lns 24-49).

Regarding claim 2, referring to Figs 1-2 and 5A-5C, Flood teaches the device of claim 1, further comprising a memory configured to store the time reference, the memory being operatively coupled to the processor (see col. 4, ln 51-col. 6, ln 25).

Regarding claim 3, referring to Figs 1-2 and 5A-5C, Flood teaches the device of claim 2, wherein the time reference is an amount of time that a call may proceed and wherein the processor causes the switch to move from the first position to the second position when the amount of time that the call may proceed has expired (see Figs 1 and 5A-5C and col. 8, lns 24-49).

Regarding claim 4, referring to Figs 1-2 and 5A-5C, Flood teaches the device of claim 3, wherein the processor is further coupled to the telephone line, is further configured to interpret number tones transmitted through the telephone line, and is further configured to control the position of the switch based on whether a dialed number begins with a 1 thereby indicating a long distance call such that the processor moves the switch from the first position to the second position only when the call is long distance and when the amount of time that the call may proceed has expired (see col. 4, lns 42-50).

Regarding claim 5, referring to Figs 1-2 and 5A-5C, Flood teaches the device of claim 3, wherein the memory also stores telephone numbers, and wherein the

processor is further coupled to the telephone line, is further configured to interpret number tones transmitted through the telephone line, and is further configured to control the position of the switch based on whether a dialed number is a telephone number stored in memory such that the processor moves the switch from the first position to the second position only when the call is to a number stored in memory and when the amount of time that the call may proceed has expired (see col. 8, Ins 24-49).

Regarding claim 6, referring to Figs 1-2 and 5A-5C, Flood teaches the device of claim 5, wherein the memory stores an individual time reference for each stored telephone number and wherein the processor refers to the individual time reference for the dialed number *r* when determining when to move the position of the switch (see col. 8, Ins 24-49).

Regarding claim 7, referring to Figs 1-2 and 5A-5C, Flood teaches the device of claim 2, wherein the time reference is an interval of time when a call may not proceed and wherein the processor causes the switch to move to the second position during the interval in response to a dialed number (see col. 4, Ins 32041).

Regarding claim 8, referring to Figs 1-2 and 5A-5C, Flood teaches the device of claim 7, wherein the processor is further coupled to the telephone line, is further configured to interpret number tones transmitted through the telephone line, and is further configured to control the position of the switch based on whether a dialed number begins with a 1 thereby indicating a long distance call such that the processor causes the switch to move to the second position only when the dialed number is long distance during the interval (see col. 4, Ins 42-50).

Regarding claim 9, referring to Figs 1-2 and 5A-5C, Flood teaches the device of claim 7, wherein the memory also stores telephone numbers, and wherein the processor is further coupled to the telephone line, is further configured to interpret number tones transmitted through the telephone line, and is further configured to control the position of the switch based on whether a dialed number is a telephone number stored in memory such that the processor causes the switch to move to the second position only when the dialed number is a number stored in memory during the interval (see col. 4, lns 32-41).

Regarding claim 11, referring to Figs 1-2 and 5A-5C, Flood teaches the device of claim 2, further comprising a keypad and wherein the processor is configured to receive the time reference through the keypad and store the time reference in the memory (see Figs 1 and 3; and col. 6, lns 10-67).

Regarding claim 12, referring to Figs 1-2 and 5A-5C, Flood teaches the device of claim 3, further comprising an annunciator operatively coupled to the processor and wherein the processor is further configured to activate the annunciator to provide a warning that the call will be ended based upon the occurrence of a time reference for warning that occurs earlier in time than the time reference for moving the switch to the second position (see col. 5, lns 14-30).

Regarding claim 13, referring to Figs 1-2 and 5A-5C, Flood teaches the device of claim 12, wherein the annunciator is an audio circuit (see col. 5, lns 14-30).

Regarding claim 14, referring to Figs 1-2 and 5A-5C, Flood teaches the device of claim 13, further comprising a button operatively coupled to the processor and wherein

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the processor delays moving the switch to the second position after the occurrence of the time reference when the button is depressed after the annunciator has activated (see col. 5, lns 14-30).

As to claims 15-21, they are rejected for the same reasons set forth to rejecting claims 1-5 and 7-8, respectively.

4. Claims 22-28 rejected under 35 U.S.C. 102(b) as being anticipated by Clarke et al (US Pat No. 5,802,157), herein after referred as Clarke.

Regarding claim 22, Clarke teaches a system for controlling telephone usage, comprising:

a switch coupled between a telephone line and a telephone wherein the switch completes a circuit between the telephone line and the telephone to allow a phone call to proceed when in a first position and obstructs a circuit between the telephone line and telephone to prevent a phone call from proceeding when in a second position (see col. 1, ln 66-col. 2, ln 43);

a memory storing a personal identification number (see Fig 3 and ISCP 18);

a keypad (see Fig 1); and

a processor operatively coupled to the memory, the keypad, and the switch, the processor being configured to control the position of the switch based on a comparison of a number entered through the keypad to the personal identification number such that the switch resides in the second position after dialing of a telephone number unless the entered number is the personal identification number (see col. 1, ln 66-col. 2, ln 43).

Regarding claim 23, Clarke teaches the device of claim 22, wherein the processor is further coupled to the telephone line, is further configured to interpret number tones transmitted through the telephone line, and is further configured to cause the switch to remain in the first position when the dialed number is 91 1 but move to the second position during the interval for any other dialed number (see col. 1, ln 66-col. 2, ln 9; and col. 5, lns 37-51).

Regarding claim 24, Clarke teaches the device of claim 22, wherein the memory stores one or more telephone numbers and wherein the processor is further configured to control the position of the switch based on comparing a dialed number to the one or more telephone numbers such that the switch resides in the second position after dialing of the telephone number only if the dialed number is one of the one or more telephone numbers and the entered number is not the personal identification number (see col. 5, lns 37-51).

Regarding claim 25, Clarke teaches the device of claim 22, wherein the memory stores one or more telephone numbers and wherein the processor is further configured to control the position of the switch based on comparing a dialed number to the one or more telephone numbers such that the switch resides in the second position after dialing of the telephone number only if the dialed number is not one of the one or more telephone numbers and the entered number is not the personal identification number (see col. 5, lns 37-51).

As to claims 26-28, they are rejected for the same reasons set forth to rejecting claims 22-24, respectively.



***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flood '613 in view of Clarke '157.

As to claim 10, Flood fails to teach the processor is configured to cause the switch to remain in the first position during the interval when the dialed number is 911 but move to the second position during the interval for any other dialed number. However, Clarke teaches the processor is configured to cause the switch to remain in the first position during the interval when the dialed number is 911 but move to the second position during the interval for any other dialed number (see col. 5, lns 37-51). Therefore, integrating Clarke's teachings into communication system of Flood would have been obvious for ensuring that important or emergency call can not afford any delay or interference affected by the call restriction service.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 4,251,692

U.S. Pat. No. 5,062,134

U.S. Pat. No. 5,109,408

U.S. Pat. No. 5,467,388

U.S. Pat. No. 5,655,013

U.S. Pat. No. 5,809,126

U.S. Pat. No. 6,134,310

U.S. Pat. No. 6,246,756

U.S. Pat. No. 6,385,310

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (571) 272-7482. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response ☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



**BING Q. BUI**  
**PRIMARY EXAMINER**